

BOARD OF APPEALS CASE NO. 4821	*	BEFORE THE
APPLICANT: William Youngworth	*	ZONING HEARING EXAMINER
REQUEST: Variance to construct a sun room and steps within the required setbacks; 801 Oaklawn Drive, Forest Hill	*	OF HARFORD COUNTY
	*	Hearing Advertised
	*	Aegis: 5/13/98 & 5/20/98
HEARING DATE: July 6, 1998	*	Record: 5/15/98 & 5/22/98
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ZONING HEARING EXAMINER'S DECISION

The Applicant, William T. Youngworth, is seeking a variance pursuant to Sections 267-36(B), Table V and 267-23(C)(1)(a)[4] of the Harford County Code to construct an attached sun room and steps within the 35 foot setback for the sun room (31 feet requested) and within the 29 foot setback for the steps (22 feet requested) in an R2 Urban Residential District (conventional with open space, COS).

The subject property is located at 801 Oaklawn Drive, Forest Hill, Maryland 21050 and is more particularly identified on Tax Map 40, Grid 2D, Parcel 321. The property is in the Forest Lakes subdivision, consists of 0.21 acres and is entirely within the Third Election District. The parcel is presently zoned R2/COS.

Mr. William T. Youngworth appeared before the Hearing Examiner and testified that he was the owner of the subject property. The witness stated that he owns a corner lot that has a small rear yard because of a storm water management area located behind his house. The Applicant plans to construct an enclosed sun room with storage beneath to the rear of his house. The exterior appearance of the structure will match the existing home. Mr. Youngworth stated that even though encroachment into the minimum setbacks are required, the structure will still be 55 feet from his closest neighboring property line. The witness stated that the sun room will require a 4 foot variance from the 35 foot minimum and the steps a 7 foot variance from the minimum 29 feet. The witness indicated that there are a number of homes in his development that have similar sun rooms and covered decks.

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Mr. Youngworth concluded by stating that his property was unique compared to neighboring properties because it was a corner lot and because of the location of the storm water management area to the rear of the house. He did not believe the construction of the sun room would have any adverse impacts on adjoining properties. The witness also pointed out the existing walkout doors and indicated that there was no other location on the property to put the sun room without also needing a variance from the setback requirements of the Code.

The Department of Planning and Zoning conducted an investigation of the Applicant's request and committed their opinion to a Staff Report dated June 15, 1998. The Department recommends approval of the Applicant's request. There were no persons who appeared in opposition to the request.

CONCLUSION:

Aside from the setback requirements discussed above and set forth in Section 267-36(B), Table V of the Code, Section 267-23(C)(1)(a)[4] provides as follows:

Exceptions and modifications to minimum yard requirements.

(1) Encroachment.

- (a) The following structures shall be allowed to encroach into the minimum yard requirements, not to exceed the following dimensions:
[4] Uncovered stairs or necessary landings: six (6) feet

The Harford County Code, pursuant to Section 267-11 permits area variances provided the Board finds that :

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest.

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The Hearing Examiner agrees with the Applicant that the subject parcel is unique in that it is a corner lot and is impacted by an existing storm water management area to the rear of the parcel. The proposed structure is consistent with other similar structures in the immediate neighborhood and will not result in adverse impacts or otherwise be detrimental to adjoining properties. Because of the characteristics of the lot, there is no other practical location for the proposed sun room that would not require setback variances.

The Hearing Examiner, therefore, recommends approval of the Application subject to the condition that the Applicant obtain all necessary permits and inspections.

Date JULY 28, 1998

William F. Casey
Zoning Hearing Examiner